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OGILVY RENAULT

#61 Reg for
refund
11-17-23

VIA REGISTERED MAIL

October 21, 2003

Mail Stop 16

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

Attention: Finance Division - Refund Branch

Dear Sir:

RE: United States Patent Application No. 09/466,665
Filed: December 20, 1999
**Title: METHOD AND APPARATUS FOR CLOCK RECOVERY
AND DATA QUALIFICATION**
Inventor(s): James Moser, et al.
Our File: 9-13528-82US KD/nt

Our Deposit Account monthly statement dated August 2003 shows a fee of \$930.00 USD (\$1,320.60 CDN) under code 1253 (extension for response within third month) applied to the above-identified matter. A copy of the pertinent page of the statement is attached for your ease of reference.

Applicant's Representative notes that the Office Action issued on February 10, 2003, did not indicate a shortened statutory period for reply. Therefore, as indicated on the Office Action Summary, the period for reply was six (6) months from the mailing date of the Office Action. A copy of the Office Action Summary and the rules indicated on same, are enclosed for your reference. Accordingly, it is believed that no extension of time fees were payable in this case.

It is therefore respectfully requested that the Commissioner refund the Applicant in this matter in the amount of \$930.00 U.S. (fee for extension within third month), that was improperly charged against this case.

We look forward to notification of the refund in due course.

Barristers & Solicitors
Patent & Trade-mark Agents

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Suite 1600
Montréal, Québec
Canada H3A 2Y3

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**OGILVY
RENAULT**

Page 2

The Commissioner is hereby authorized to credit the overpayment to our Account No. 19 5113.

Respectfully submitted,



Kent Daniels
Reg. No. 44,206
OGILVY RENAULT

KD/nt
Enclosure

KD

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Hawthorne
Page

Isord
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UNITED STATES
PATENT AND
TRADEMARK OFFICE

Requested
Statement
Month: Aug-03
Deposit
Account
Number: 195113

Name: OGILVY
RENAULT
ATTN:
DEBBIE
Attention: SEARLE

1981
MCGILL
Address: COLLEGE
MONTRE
City: AL
State:
Zip: H3A 2Y3



DATE	SEQ	POSTING	ATTORNEY	FEE	AMT	CAN
		REF TXT	DOCKET	COD E		
			NBR			
Aug-25	16594	60496921	16504-3USPR	1005	\$160.00	\$227.20
Aug-25	16594	60496922	16504-2USPR	1005	\$160.00	\$227.20
Aug-25	16602	10425637	15298-1US	1051	\$130.00	\$184.60
Aug-26	16231	10224463	15820-1US	8024	\$40.00	\$56.80
Aug-26	16231	10224463	15820-1US	8007	\$20.00	\$28.40
Aug-26	16802	10425637	15298-1US	8021	\$40.00	\$56.80
Aug-26	16602	10425637	15298-1US	8021	\$40.00	\$56.80
Aug-26	16602	10425637	15298-1US	8021	\$40.00	\$56.80
Aug-27	16803	8466665	9-13528-82US	1253	\$930.00	\$1,320.60
Aug-27	16602	10428100	15480-8US	2051	\$85.00	\$92.30
Aug-27	16234	10647248	1770-297US-1	2001	\$375.00	\$532.50
Aug-27	19560	8041535	12177-1US-1 MF	2551	\$445.00	\$631.90
Aug-27	19560	8045674	8377-25US MF	2551	\$445.00	\$631.90
Aug-27	19560	5505563	8752-3US MF	2552	\$1,025.00	\$1,455.50
Aug-28	16594	9805430	10328-83US	2201	\$42.00	\$59.64
Aug-28	19560	8048282	13485-1US MF	2551	\$445.00	\$631.90
Aug-28	19560	6051092	13205-2US-1 MF	2551	\$445.00	\$631.90
Aug-28	16599	60497903	6078-14USPR	2005	\$80.00	\$113.60
Aug-28	19560	5101995	5489-58US MF	1553	\$3,150.00	\$4,473.00



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,665	12/20/1999	JAMES ROUSER	9-13528-82US	1452
20988	7590	02/10/2003		
OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA				
EXAMINER			ODOM, CURTIS B	
ART UNIT			PAPER NUMBER	
2634				

DATE MAILED: 02/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/466,665

Applicant(s)

MOSER ET AL.

Examiner

Curtis B. Odom

Art Unit

2634

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/20/99.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 32-35, 67 and 68 is/are rejected.
- 7) ☒ Claim(s) 6-31, 36-66, and 69-78 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 12/20/99 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

PATENT MAINTENANCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (01-03)
Approved for use through 04/30/2003. OMB 0651-0031
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM (to be used for all correspondence after initial filing) U.S. PATENT & TRADEMARK OFFICE	Application Number	09/466,665
	Filing Date	December 20, 1999
	First Named Inventor	James Moser, et al.
	Art Unit	2634
	Examiner Name	Curtis B. Odum
Attorney Docket Number	9-13528-82US	
Total Number of Pages in This Submission	7	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input checked="" type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Kent Daniels, Reg. No. 44,206
Signature	<i>K. Daniels</i>
Date	October 21, 2003

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____	
Typed or printed	Date
Signature	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.